

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHRISTOPHER R. WEEKS,

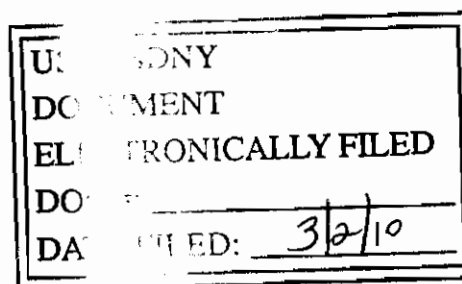
Plaintiff,

-against-

NEW YORK CITY DEPARTMENT
OF CORRECTIONS, ET AL.,

Defendants.

ORDER
08 Civ 3936 (CM)



McMahon, J.:

Plaintiff filed his complaint in this matter on April 28, 2008. Because this is a *pro se* civil rights case, Chief Judge Kimba M. Wood issued an order giving plaintiff sixty days to file an amended complaint that pleads a facially sufficient claim and is otherwise compliant with court rules. After some delay, summonses for the defendant's were issued on November 19, 2008.

Plaintiff wrote to the Court in December 2008, complaining about his inability to serve defendants because prison officials at the facility he was in were not allowing him access to the law library "whenever I sign up." (Plaintiff Letter dated December 1, 2008). The Court received another letter from plaintiff later that month indicating that he had been transferred to Butler Correction Facility. (Plaintiff Letter dated December 23, 2009).

On April 20, 2009, the Court issued an order giving plaintiff Thirty (30) Days to file proof that he had served defendants. The Court warned plaintiff that his failure to file proof of service or to satisfactorily explain why he has failed to do so would result in his case being dismissed for failure to prosecute.

In a letter to the court dated April 24, 2009, plaintiff again complained that he was still having trouble serving defendants because of his limited use of the law library. Since one does not require the use of the law library to effect service, the Court "Memo Endorsed" that letter, instructing plaintiff to contact the U.S. Marshal and arrange to serve defendants.

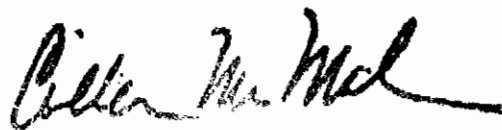
It has been nearly a year since the Court directed plaintiff to serve defendants and still there is no proof of service for any of the defendants.

Accordingly, this matter is hereby dismissed. The Clerk of the Court is to remove this case from the Court's docket.

Copies mailed /faxed/handed to counsel on 3/2/10

This constitutes the decision and order of the Court.

March 1, 2010

A handwritten signature in black ink, appearing to read "Allen M. Mal", written over a horizontal line.

United States District Judge

BY FIRST CLASS MAIL:

Christopher R. Weeks
08-A-3258
Butler Correctional Facility
Red Creek, NY 13143